

## 'Medieval Women and Urban Justice, Commerce, Crime and Community in England, 1300-1500', Book Review.

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Teresa Phipps, *Medieval Women and Urban Justice, Commerce, Crime and Community in England, 1300-1500* (Manchester University Press, 2020). 222 pp. ISBN 978 1 5261 3459 2, hardback.

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In the latest addition to Manchester University Press' Gender in History series, Teresa Phipps compares the legal status, roles and experience of 'ordinary, middling status women' in late-medieval England by analysing the extant records of urban justice in Chester, Nottingham, and Winchester. Court records shed a rare light on the identities, interactions and relationships of ordinary women, whose lives in a patriarchal society otherwise went unrecorded. Various studies, including those by Maryanne Kowaleski, Jeremy Goldberg and Caroline Barron, have largely used court records to examine, *inter alia*, the occupations and economic status of medieval women, with consideration of the details of their legal status and the nature of their litigation being the background, rather than the focus. Married women's lack of legal capacity and obligation, pursuant to the common law doctrine of coverture (by which wives did not possess a separate legal or financial identity, instead being 'covered' by their husbands; husband and wife, in theory, being a single legal person), were prominent themes in the work of early legal historians Pollock and Maitland, as well as Eileen Power. However, the actual legal actions were not examined in detail, and according to Dr Phipps, who is Honorary Research Fellow in the Department of History at Swansea University, the true value of studying court records lies in what they reveal about the practice, rather than the theory or ideals, of the law - and it is on this premise that she pins the originality of her work.

The methodology employed involves analysing six sample years for each of the three towns and combining that analysis with a broader survey across the period c.1300-c.1500. Chester,

the administrative centre of the county palatine, had a population of around 3,000-4,000 before the Black Death. It had its own exchequer and was an important military base due to its proximity to north Wales and links to Ireland, and names indicating Irish or Welsh roots are frequently encountered. There were two main town courts, the Pentice Court (the name being derived from a pentice, a wooden extension, abutting St Peter's Church where the court met) and the Portmote. The former was dominated by complaints of debt and trespass; the latter was largely concerned with issues pertaining to urban real estate. A third court, the Crownmote, dealt with infringements of civic ordinances and trading regulations.

The courts' location in the centre of town, and the relatively minor nature of many of the pleas, meant that resort to justice was practical, convenient and cheap. Debt cases consistently averaged 70% of all suits in Chester's courts, and were brought for as little as 3d (the sum owed by Matilda le Spenser to Alice Hammes in 1317). In pleas of trespass (*transgressio*), a broad category of wrongdoing involving harm to either persons, goods or land, at a level below more serious felony offences, women were both plaintiffs and defendants, and in equal numbers. Plaintiffs never won the damages they sought in trespass cases, the courts typically awarding only a fraction of the original sum pleaded. Thus, Agnes Solyan claimed 20s following an attack by John Smale in 1423, and while the Pentice jury agreed that Smale was guilty, Agnes was awarded only 6d in damages. Theft of moveable goods via burglary and other means also came under the heading of trespass; in 1490, Johanna Hill was accused by Llewellyn Pardon of breaking and entering into his messuage and taking items worth 20s. In answer, Hill said that she had received or purchased the goods from Howell ap Res, and the Pentice jury agreed with her. Abduction, strictly a felony, was sometimes framed as a case of trespass for which damages ought to be paid, thus, in

1435, John ad Byche alleged that Bellyn Henster had broken into his house and carried away his daughter and servant, and 'other goods and chattels'.

As regards enforcement of trading regulations, women featured in the lists of those who sold bread illegally in Chester, usually coupled with selling ale without a franchise to do so. Of the 45 individuals who were reported for brewing and selling ale from 1505 to 1510, 16 were women (12 unmarried and 4 married). Jurisdiction over sexual misconduct theoretically lay with the church courts, however, this did not stop the secular courts punishing it. In Chester, both men and women were named as common keepers of brothels. Agnes Felenes was fined 6s 8d, in 1510, for keeping in her house 'persons of bad conduct committing adultery'. The playing of games by servants, apprentices and labourers was banned by legislation and strictly enforced by the urban authorities. The books of the sheriffs of Chester list those, mostly men, who were found to be gambling or hosting gamblers in their homes. One woman, Elena Stevenson in 1504, was said to have kept servants who played unlawful games, day and night; accordingly, she was fined 3s 4d.

Phipps concludes that although women were always a minority among litigants and those who came under the purview of local justice, they like men actively used their local courts to manage their relationships, enforce business obligations and seek restitution for attacks on their person, property or honour. They were also subject to the regulations and penalties that the law imposed. Unmarried women litigated independently, suing others, and being sued, indicating their integration within society and its legal system. Married women, pursuant to the doctrine of coverture, were less independent, but Phipps challenges the narrative that they did not take legal action. It would have been nice to see a plate or two showing the court records themselves and perhaps a few transcriptions illustrating the mix

of Latin and English, but Dr Phipps' book is undoubtedly a valuable contribution to the scholarship in this field and will appeal to a wide readership.